

PATENT  
Serial No. 09 / 854,891  
Atty. Docket No. 52466.002

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn )

Serial No.: 09 / 854,891 )

Filed: May 14, 2001 )

Title: Flashing Assembly &  
Method for Use & Manufacture )

) Examiner Steve M. Varner

) Art Unit 3635

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By: Sean M. Casey August 25, 2003  
Sean M. Casey, Reg. No. 39,514 Date Signed

5

Columbus, Ohio  
Monday, August 25, 2003

AFTER FINAL RESPONSE TO 2<sup>ND</sup> OFFICE ACTION

10

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15 P.O. Box 1450  
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Sir:

20

Further to the Final Office Action mailed June 2, 2003, and the telephonic interview held  
on the morning August 19, 2003 by Examiner Varner and at the examiner's request, Applicant  
hereby submits this written record of the interview and the examiner's indication of allowable  
subject matter in claims 1 to 24.

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## **BACKGROUND**

Prior to the telephonic interview, Claims 1 to 24 stood finally rejected in the examiner's second office action under 35 U.S.C. § 103(a) as being unpatentable over Hartman in view of Jenkins et al. and Slasinski. In sum, Examiner Varner found unpersuasive Applicant's

5 Amendment A and arguments filed March 19, 2003.

## **INTERVIEW SUMMARY**

However, during the August 19<sup>th</sup> interview Applicant and examiner further reviewed each pending claim in view of the first office action, Applicant's response thereto, and the  
10 references of record, and especially in view of Hartman, Slasinski, Schleicher, Jenkins et al., Hoffman, and Theriault. As a result of that examination, Applicant and Examiner Varner agreed that both the initial and the final rejections were improper because a more detailed inspection of the cited references revealed that Applicant's claimed invention was not evidenced in, suggested by, or otherwise present in any combination of the references of record.

15 For example, among other considerations and references, Applicant asserted and Examiner Varner agreed that Hartman is limited to a hole 42 that does not operate to join segments 32, which teaches away from Applicant's claimed tightly joined together but releasable strips. Further, Applicant and Examiner Varner further agreed that, among other considerations and references, the Slasinski and Schleicher references are, by their own disclosures, restricted to  
20 permanent clinch joints, which teach away from Applicant's claimed releasable clinch joint features and capabilities.

**CONCLUSION**

Entry of the above written record of the interview is requested. It is believed that claims 1 through 24 as originally filed distinguish over the prior art of record in this case and that the subject matter discussed in the August 19<sup>th</sup> interview does not constitute new matter because all such information was previously discussed and disclosed in the prior response to the first office action and in the specification, drawings, and claims of this application as originally filed and amended. Accordingly, withdrawal of the examiner's rejections and an early allowance of the currently pending claims 1 - 24 are respectfully solicited.

Additionally, Applicant respectfully requests an indication that the drawings as originally filed are accepted.

As the initial and final rejections were improper and are now believed to be withdrawn, no fees are believed to be due in connection with this after final response. The under-signed Applicant's representative may be contacted anytime at (614) 222-0800 if any further information or fees are required. Thank you for your attention to this matter.

Respectfully submitted,

JERRY JOSEPH QUINN

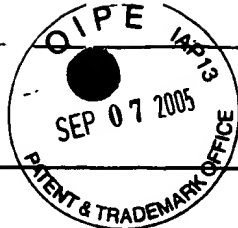
By: SEAN M. CASEY CO., L.P.A.

Handwritten signature of Sean M. Casey in cursive script.

Registration No. 39,514

Telephone: (614) 222-0800

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Atty. Docket No. 52466.002

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Inventor: Jerry Joseph Quinn )  
Serial No.: 09 / 854,891 ) Examiner Steve M. Varner  
Filed: May 14, 2001 ) Art Unit 3635  
Title: Flashing Assembly &  
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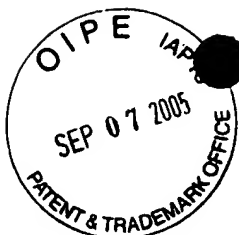
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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Address to:  
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Application Number	09/854,891
Filing Date	May 14, 2001
First Named Inventor	Jerry Joseph QUINN
Art Unit	3635
Examiner Name	S. Varner
Attorney Docket Number	54266.002

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OFFICE OF PATENT**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**

Note: If the RCE is proper, any previously filed unentered and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a.
- ☒
- Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_ii. ☒ Other Amendment After Final Response filed August 25, 2003

- b.
- ☒
- Enclosed

i. ☐ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/Declaration(s)iv. ☒ Other copy of Amendment After Final filed 08/28/03**2. Miscellaneous**

- a.
- ☐
- Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

- b.
- ☐
- Other \_\_\_\_\_

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a.
- ☒
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments to Deposit Account No.
- 19-4375
- . I have enclosed a duplicate copy of this sheet.

i. ☐ RCE fee required under 37 CFR 1.17(e)ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)iii. ☒ Other additional fees and/or credit of overpayments

- b.
- ☒
- Check in the amount of \$
- 375.00
- enclosed

- c.
- ☐
- Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Signature

Date

September 7, 2005

Name (Print / Type)

Thomas P. Pavelko

Registration No.

31,689

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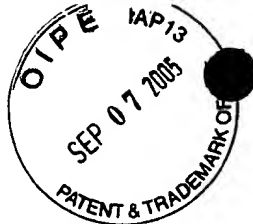
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This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## Instruction Sheet for RCEs

(not to be submitted to the USPTO)

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### NOTES:

An RCE is not a new application, and filing an RCE will not result in an application being accorded a new filing date.

#### **Filing Qualifications:**

The application must be a utility or plant application filed on or after June 8, 1995. The application cannot be a provisional application, a utility or plant application filed before June 8, 1995, a design application, or a patent under reexamination. See 37 CFR 1.114(e).

#### **Filing Requirements:**

***Prosecution in the application must be closed.*** Prosecution is closed if the application is under appeal, or the last Office action is a final action, a notice of allowance, or an action that otherwise closes prosecution in the application (e.g., an Office action under *Ex parte Quayle*). See 37 CFR 1.114(b).

***A submission and a fee are required at the time the RCE is filed.*** If reply to an Office action under 35 U.S.C. 132 is outstanding (e.g., the application is under final rejection), the submission must meet the reply requirements of 37 CFR 1.111. If there is no outstanding Office action, the submission can be an information disclosure statement, an amendment, new arguments, or new evidence. See 37 CFR 1.114(c). The submission may be a previously filed amendment (e.g., an amendment after final rejection).

### WARNINGS:

#### **Request for Suspension of Action:**

All RCE filing requirements must be met before suspension of action is granted. A request for a suspension of action under 37 CFR 1.103(c) does not satisfy the submission requirement and does not permit the filing of the required submission to be suspended.

#### **Improper RCE will NOT toll Any Time Period:**

***Before Appeal*** - If the RCE is improper (e.g., prosecution in the application is not closed or the submission or fee has not been filed) and the application is not under appeal, the time period set forth in the last Office action will continue to run and the application will be abandoned after the statutory time period has expired if a reply to the Office action is not timely filed. No additional time will be given to correct the improper RCE.

***Under Appeal*** - If the RCE is improper (e.g., the submission or the fee has not been filed) and the application is under appeal, the improper RCE is effective to withdraw the appeal. Withdrawal of the appeal results in the allowance or abandonment of the application depending on the status of the claims. If there are no allowed claims, the application is abandoned. If there is at least one allowed claim, the application will be passed to issue on the allowed claim(s). See MPEP 1215.01.

**See MPEP 706.07(h) for further information on the RCE practice.**